

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

TONY A. MESSER, ET AL.,)
)
)
Plaintiffs,)
)
)
v.) Civil Action No.: 1:18-cv-00040-JPJ-PMS
)
)
)
BRISTOL COMPRESSORS)
INTERNATIONAL, LLC,)
)
)
Defendants.)

NOTICE OF APPEAL

Notice is hereby given that Tony A. Messer, et al., Plaintiffs, in this WARN Act Class Action, hereby appeal to the United States Court of Appeals for the Fourth Circuit from the final judgment entered in this action on the 3rd day of November 2021.

More particularly, the Plaintiffs appeal the following interlocutory orders of the Court made prior to entry of the final order:

- 1) The District Court's error in granting Defendants' Joint Motion for Partial Summary Judgment [ECF 28] finding that the Plaintiffs are not entitled to severance pay by its Opinion and Order entered on March 26, 2020 [ECF 109].
- 2) The District Court's error in granting Defendants' Joint Motion for Partial Summary Judgment [ECF 61] *AS TO LIABILITY ON SUBCLASS TWO PLAINTIFFS* (those class members who signed a Stay Bonus Letter Agreements (release) (SBLA)) by order entered on March 26, 2020. [ECF 109].
- 3) The District Court's error in granting Defendants' Joint Motion for Partial Summary Judgment [ECF 63] "*AS TO CERTAIN EMPLOYEES IN SUBCLASS THREE*" *claiming they "RECEIVED AT LEAST 60 DAYS NOTICE OF THE PLANT CLOSING PRIOR TO THEIR TERMINATION"* by its order entered on March 26, 2020. [ECF 109].

PLAINTIFFS
BY COUNSEL

/s/ Mary Lynn Tate

Mary Lynn Tate, Esq. (VSB # 16085)
TATE LAW, PC
16006 Porterfield Highway
Abingdon, Virginia 24210
T: 276-628-5185
F: 276-628-5045
C: 276-608-9185
mltate@tatelaw.com

CERTIFICATE OF SERVICE

I hereby certify on the 3rd day of December 2021, I electronically filed the foregoing *Notice of Appeal* with the Clerk of the United States District Court for the Western District of Virginia using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record.

/s/ Mary Lynn Tate